

MITIGATION MONITORING AND REPORTING PROGRAM

**Camp Berryessa
Environmental Assessment/
Initial Study
(SCH#2010122084)
Final Adopted by BOD February 14, 2011**

Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with State of California Public Resources Code Section 21081.6, which requires adoption of a MMRP for projects in which the Lead Agency has required changes or adopted mitigation to avoid significant environmental effects. The Napa County Regional Park and Open Space District (District) is the lead agency for the proposed Camp Berryessa project and, therefore, is responsible for administering and implementing the MMRP. The decision makers must define specific reporting and monitoring requirements to be enforced during project implementation before final approval of the proposed project. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Camp Berryessa Environmental Assessment/Initial Study (EA/IS) are implemented to reduce or avoid identified environmental effects.

The purpose of discussing the MMRP in the EA/IS is to appropriately assign the mitigation responsibilities for implementing the Camp Berryessa project. The mitigation measures listed in the MMRP are required by law or regulation and will be adopted by the District's Board of Directors as a condition of the primary project approval. Certain elements of the project will be adopted or approved by others, including the federal Bureau of Reclamation (Reclamation).

Mitigation is defined by both the California Environmental Quality Act (CEQA), Section 15370, and the National Environmental Policy Act (NEPA) as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance activities during the life of the project; or
- Compensates for the impacts by replacing or providing substitute resources or environments.

Mitigation measures provided in this MMRP were identified in Chapter 3, Affected Environment and Environmental Consequences, of the Draft EA/IS, as feasible and effective in mitigating project-related environmental impacts.

Exhibit 5: Mitigation Monitoring and Reporting Program for Camp Berryessa

Basis for the Mitigation Monitoring and Reporting Program

The legal basis for the development and implementation of the MMRP lies within both CEQA (including the California Public Resources Code) and NEPA. Sections 21002 and 21002.1 of the California Public Resources Code state:

- Public agencies are not to approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects; and
- Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.

Section 21081.6 of the California Public Resources Code further requires that the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance with mitigation measures during project implementation. The monitoring program must be adopted when a public agency makes its findings under CEQA so that the program can be made a condition of project approval in order to mitigate or avoid significant effects on the environment.

NEPA 40 CFR, Sections 1502.14f, requires that agencies shall include appropriate mitigation measures not already included in the proposed action or alternatives.

Mitigation Monitoring and Reporting Program Procedures

The MMRP for the proposed project will be in place through all phases of the project, including design, before construction and operations. The District shall have primary responsibility for administering the MMRP activities of staff, consultants, or contractors. However, Reclamation, Napa County, and other state and federal permitting agencies will also monitor various elements of the project within their regulatory purview. The District is responsible for ensuring that monitoring is documented through periodic reports and that deficiencies are promptly corrected. Specific responsibilities of the District are as follows:

- Coordination of all mitigation monitoring activities;
- Management of the preparation, approval, and filing of monitoring or permit compliance reports;
- Maintenance of records concerning the status of all approved mitigation measures;
- Performance of quality control assurance of field monitoring personnel;
- Coordination with other agencies regarding compliance with mitigation or permit requirements;
- Reviewing and recommending acceptance and certification of implementation documentation; and
- Acting as a contact for interested parties or surrounding property owners who wish to register complaints, observations of unsafe conditions, or environmental violations and verifying any such circumstances and developing any necessary corrective actions.

Mitigation Monitoring and Reporting Plan Matrix

The MMRP is organized in a matrix format. The first column identifies the mitigation measure number. The second column identifies the mitigation measures. The third column, entitled Time Frame for

Exhibit 5: Mitigation Monitoring and Reporting Program for Camp Berryessa

Implementation, refers to when monitoring will occur. The timing for implementing mitigation measures and the definition of the approval process has been provided to assist staff from the District and Reclamation to plan for monitoring activities. The fourth column, entitled Responsible Monitoring Agency, refers to the agency responsible for ensuring that the mitigation measure is implemented. The fifth column, entitled Verification of Compliance, has subcolumns for Initials, Date, and Remarks. This last column will be used by the lead agency to document the person who verified the implementation of the mitigation measure, the date on which this verification occurred, and any other notable remarks.

Exhibit 5: Mitigation Monitoring and Reporting Program for Camp Berryessa

No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
Biological Resources						
BIO-1	<p>Tree protection measures will reduce impacts to trees during construction and may include the following measures:</p> <ul style="list-style-type: none">• To avoid impacts on mature oak trees (those with a six-inch minimum diameter at breast height), orange construction barrier fencing will be installed at their drip lines. Where appropriate, the barrier fencing will be installed 20 feet outside their drip lines;• Trees in designated construction areas will be removed only if they had been designated for removal. Removed oak trees will be replaced within the project boundaries at a 3:1 ratio. Replanting of other removed tree species will be determined after consultation with Reclamation’s area Natural Resource Specialist;• Where avoidance is not possible, long-term impacts on oaks will be minimized by trimming limbs and branches over access roads or construction zones and by avoiding parking and excavating in the root zone.	During construction	District and Reclamation			

Exhibit 5: Mitigation Monitoring and Reporting Program for Camp Berryessa

No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
BIO-2	To the extent possible, removal of trees and potential bird breeding habitat in the project area will occur between September 1 and January 31, when birds are not expected to be nesting, in order to comply with the Migratory Bird Treaty Act. Prior to any tree removal and construction, a qualified biologist will conduct preconstruction field surveys in and adjacent to the project area for nesting migratory birds, including raptors. Surveys will be conducted during the season immediately preceding tree removal and grading operations when birds are building and defending nests or when young are still in nests and dependent on the parents. If no nests are found during the surveys, tree removal and grading may proceed. If nests are found, construction activities including tree removal shall not be conducted within a buffer zone designated by USFWS or the CDFG around the nest(s) until after the breeding season (typically February to the end of August).	Prior to and during construction	District and Reclamation Concurrence by USFWS and CDFG, if warranted			
BIO-3	Before construction begins and during the appropriate season, a qualified biologist will conduct a survey for Green jewelflower, Jepson's milk-vetch, two-carpellate western flax, and Napa western flax. If these species were observed during surveys, project features will be adjusted to the degree possible to avoid impacts. If it were not possible to adjust project features to avoid sensitive plants, appropriate conservation measures will be implemented to ensure that impacts were less than significant. Possible conservation measures include transplanting particular specimens to a location outside of the construction zone and replacing affected individuals with nursery stock in the same location after restoring the affected area.	Prior to construction	District and Reclamation			

Exhibit 5: Mitigation Monitoring and Reporting Program for Camp Berryessa

No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
BIO-4	<p>If construction activities must occur during the breeding season for special-status birds and/or bats (February 1 to August 31), a qualified wildlife biologist will conduct nesting-bird surveys within 500 feet of the project site. These surveys must be conducted within one week prior to initiation of construction activities at any time between February 1 and August 31. In addition, surveys for bald eagle nesting will be required prior to construction activity after December 1.</p> <p>If no active nests or roosts are detected during surveys, then no additional minimization measures are required.</p> <p>If special-status birds are found in the construction area or in the adjacent surveyed area, a no-disturbance buffer will be established around the nesting/roosting location to avoid disturbance or destruction of the nest site/roost site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late-June through mid-July). The extent of these buffers will be determined by a wildlife biologist in consultation with the applicable resource agencies (i.e., USFWS and CDFG) and will depend on the level of noise or construction disturbance, line of site between the nest/roost and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors will be analyzed and used by a qualified wildlife biologist to assist the USFWS and CDFG in making an appropriate decision on buffer distances.</p>	Prior to and during construction	<p>District and Reclamation</p> <p>Concurrence by USFWS and CDFG, if warranted</p>			

Exhibit 5: Mitigation Monitoring and Reporting Program for Camp Berryessa

No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
Cultural Resources						
CR-1	If previously unidentified cultural resources were discovered as a result of the Proposed Action, project activities within the vicinity of the find will be stopped and a Reclamation archaeologist will be consulted on how to proceed.	During construction and project operation	District and Reclamation			